

## **Handout 9: Project Save Our Children (PSOC)**

The Deadbeat Parents Punishment Act of 1998 (formerly known as the Child Support Recovery Act of 1992) makes the willful non-payment of child support a federal crime if the non-custodial parent's (NCP) state of residence is different from that of the children or if the NCP moves to a different state with the intent of avoiding payment of child support. Project Save Our Children (PSOC) is a collaborative task force comprising the federal Office of Child Support Enforcement (OCSE), the Office of the Inspector General (OIG), the Office of Investigations, criminal justice agencies, and state Child Support Enforcement (CSE) Agencies. The purpose of the project is to identify, analyze, investigate, prosecute, and evaluate the outcome of the most flagrant, criminal nonsupport cases. There are five regional offices located within the federal OCSE Area Audit Offices: Columbus, Ohio; Baltimore, Maryland; Dallas, Texas; New York, New York; and Sacramento, California. All offices were open by November 1999.

Under PSOC, the OIG is responsible for investigating the cases referred by the OCSS. Local inability to locate the NCP does not preclude referral of the case. Because the focus on homeland security has increased, the responsibility of locating the defendant has, for the most part, fallen back on the investigators from the OCSE, who are located in regional offices throughout the United States. The U.S. Attorney's Office is responsible for the criminal prosecution of the NCP.

### **Criteria**

To prosecute a defendant in federal court, the case must be a current charging case and must meet the following criteria:

- In the case of a felony prosecution, the obligation must be unpaid for two years, or the amount of the past-due obligation must be greater than \$5,000 for a

misdemeanor or \$10,000 for a felony. Priority is given to cases in the following circumstances:

- Child support arrears are at least \$20,000.
- The children are under the age of 18, or, for extenuating circumstances, a child has a disability.
- There have been no voluntary payments for the past year.
  - Nonvoluntary payments: special collections, state tax refund, Homestead Rebate, levy/FIDM, judgment, CSLN, lottery, custodial parent (CP) recoupment, Non-Sufficient Funds (NSF) recoupment, or bench warrant payments
- The child and the NCP must reside in different states.
- The NCP has a past-due child support obligation.
- The NCP has the ability to pay the court-ordered child support.
- The NCP did willfully fail to abide by the stipulations of the court order and has documentable income and/or assets.

The case may not be considered under the following circumstances:

- The NCP is receiving Supplemental Security Income (SSI), General Assistance (GA), or Temporary Assistance to Needy Families (TANF).
- The NCP is disabled or receiving disability benefits.
- The NCP is currently in an alcohol or drug rehabilitation program.
- The NCP is incarcerated.

## **Intergovernmental Considerations**

Note that intergovernmental cases require additional processing. For example, child support staff must determine that all intergovernmental enforcement remedies available through UIFSA have been exhausted. In addition, the following actions must be performed:

- Obtain the status of the case in the other state and determine if the NCP still resides in that location.
- Update or possibly close the open UIFSA action with that state (if needed) if the NCP has relocated.
- Document the efforts performed in the other state and include that information in the record to prepare the case for PSOC submission.
- Check with the other state to ensure that only one state submits the case.

For further details, attend an Intergovernmental course offered by NJCSI.

### **Additional Considerations**

In addition to the above criteria, the indicators below increase the potential for the case to be accepted for PSOC submission and investigation by the OIG:

- The NCP demonstrates a pattern of flight from state to state to avoid payment or after Service of Process for contempt.
- There is a pattern of deception by the NCP to avoid payment, for example, changing employment, concealing assets or location, or using false names and/or SSNs.
- The NCP fails to make support payments after being held in contempt.
- Circumstances exist that dictate the need for immediate federal intervention; for example, the CP and/or the child's special medical needs are unmet, or the CP and/or child are in danger of eviction and homelessness.
- The failure to make child support payments has a connection to other potential federal charges, for example, bank fraud, federal income tax charges, or other related criminal conduct.


## PSOC Referral Forms and PSOC Locate Forms


Two forms must be completed when submitting a case for PSOC: the State Request for PSOC Locate Services form, and the State Referral: Federal Criminal Prosecution for Nonsupport form.

Keep the following in mind when filling out the forms:

1. Both forms must be submitted at the same time.
2. Local Probation Child Support Enforcement (PCSE) Unit staff members should **not** send the State Request form to Washington, D.C. That is the responsibility of the PSOC Coordinator at the OCSS.
3. The two forms can be signed only by the “Authorized Official,” which is the PSOC Coordinator at the OCSS. Please do not sign the forms in the space reserved for the PSOC Coordinator’s signature.
4. The PCSE Unit staff member completes nearly all of Section I on both forms. The wage and income history information is to be completed by the PSOC Coordinator.
5. The PCSE Unit staff member must explain in detail **all** enforcement remedies that were exhausted in Section VII (attach a separate sheet if necessary) of the State Referral: Federal Criminal Prosecution for Nonsupport form. Please do not write “refer to NJKiDS” or “all enforcement actions completed.” The OIG does not have access to NJKiDS and will not be able to prosecute cases with such vague statements.
6. All PSOC referrals must be submitted to the Administrative Office of the Courts PSOC Liaison for review:

Patti DiMassa, PSOC Liaison  
Administrative Office of the Courts  
Probation/CSE Services  
171 Jersey Street/ Bldgs 6 & 7  
PO Box 960  
Trenton, NJ 08625  
609-421-5111  
patti.dimassa@judiciary.state.nj.us

<p><b>NOTE</b></p> 	<p>Please do not submit the forms directly to the OCSS, the OIG, or the federal OCSE.</p>
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<p><b>NOTE</b></p> 	<p>Do not print screens with the FTI banner when gathering information for PSOC. FTI screens may contain Federal Tax Information.</p>
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## Case Selection Criteria

NJKiDS will select a case for this remedy only if the following conditions are met:

- The case must be an open IV-D case.
- If the case is **Initiating Interstate**, the referral type must be **Request Registration of a Foreign Support Order for Enforcement; Request Registration of a Foreign Support Order for Modification; or Request Registration of a Foreign Support Order for Modification and Enforcement.**

- New Jersey is recorded as the state of residence for the CP.

(Note: The only restriction is that the parties live in different states. For prosecution, the U.S. Attorney's Office requires personal jurisdiction *over one party*.)

- Arrears are equal to or greater than \$10,000, or no payments have been posted to the case in the past two calendar years and arrears are equal to or greater than \$5,000.

(Note: This refers to the Child Support Recovery Act and the Deadbeat Parent Punishment Act criteria. Criteria for the PSOC in New Jersey dictate child support arrears greater than \$25,000 and no payment for the past year. The DFD and the U.S. Department of Health and Human Services–Office of the Inspector General [OIG] will decline cases with lower arrears.)

- At least one child on the support order is less than 18 years of age.
- There have been no regular payments posted to the case for at least one year.
- If the case was previously rejected or disapproved for the remedy, the NJKiDS system date is the same as or later than six months from the date of rejection or disapproval.

The following conditions will prevent a case from being selected for this remedy:

- The NCP is deceased, incarcerated, or institutionalized, as recorded on the **Member Demographics** page.
- The state of residence recorded for the NCP is New Jersey.
- A **Relief to Litigant–Cash Support** activity chain is already open in **active mode** on the **Enforcement Processes** page for the same member.
- An **Immediate Income Withholding** activity chain is already open in **active mode** on **Enforcement Processes** page for the member.
- There is an active case enforcement exemption.
- There is an active PSOC exemption. (Note: If the staff member reviews the case [on request from the CP, for example], the exemption can be removed.)

To be eligible for prosecution under the Deadbeat Parents Punishment Act of 1998, an NCP must meet the following criteria:

- He or she must willfully fail to pay a support obligation for a child who lives in another state, and that obligation must have remained unpaid for a period longer than one year or must be greater than \$5,000.
- The NCP must travel in interstate or foreign commerce with the intent to evade a support obligation, and the obligation must have remained unpaid for a period longer than one year or must be greater than \$5,000.
- The NCP must willfully fail to pay a support obligation for a child who lives in another state, and the obligation must have remained unpaid for a period longer than two years or must be greater than \$10,000.

**NOTE**

Remember that Project Save Our Children is a collaborative task force. States may interpret the underlying laws to meet the needs of their caseloads.

In determining eligibility for PSOC, arrears for the following debt types may be considered:

CS—Child Support

SS—Spousal Support

CI—Interest on Child Support

SI—Interest on Spousal Support

MS—Medical Support

CM—Cash Medical

MI—Interest on Medical Support

HI—Interest on Cash Medical

**NOTE**

In determining eligibility for PSOC, if SS and SI stand alone and are not part of a child support order, they **are not included** as eligible for PSOC. If SS and SI are part of a child support case, they **are included** and are eligible for PSOC.

**NOTE**

The U.S. Attorney will prosecute child support only. Arrears only cases cannot be prosecuted. Spousal arrears will **not** be prosecuted and are not included in the indictments. Only child support arrears are accepted.

In determining eligibility for PSOC, payments with the following receipt sources are not considered regular payments:

Special Collections

SOIL (State Tax Refund)

SOIL (Homestead Rebate)

SOIL (Saver Rebate)

Judgment

Levy/FIDM

Workers' Compensation/Insurance CSLN

Release Amount

Lottery

CP Recoupment

NSF Recoupment

Cases are not excluded from eligibility for non-payment of support action if there is no verified or last-known CP address, as long as the case is marked **Responding Interstate** or balances exist that are owed to the state.